

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

ROGER STOKELY,) CV F 01-6030 LJO WMW HC
Petitioner,) ORDER DENYING MOTION
v.) FILED FEBRUARY 26, 2007
JOE McGRATH,) [Doc. 60]
Respondent.)

Petitioner is a state prisoner proceeding with counsel with a petition for writ of habeas corpus pursuant to 28 U.S.C. Section 2254. On February 26, 2007, Petitioner, acting in pro se, filed a motion requesting that Phillip Cherney be appointed to continue to represent Petitioner in this action. This motion is unnecessary. Mr. Cherney is Petitioner's counsel of record - no reappointment is necessary. Thus, this portion of Petitioner's motion is HEREBY DENIED as moot.

Petitioner also states that he does not consent to Magistrate Judge jurisdiction for the final resolution of this case, and requests that a District Judge “adjudicate this case in full.”

1 As with all civil cases in this court, this matter was referred to a United States Magistrate
2 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302. Pursuant to those
3 authorities, the Magistrate Judge will enter findings and recommendations in this case, to
4 which Petitioner, through counsel, will have a chance to object. The District Judge will then
5 review the case and make the final ruling and enter judgment. It is unclear if Petitioner
6 wishes to avoid the process in which a Magistrate Judge first enters findings and
7 recommendations in a case, before it is reviewed by a District Judge. To the extent that
8 Petitioner seeks to do this, his motion is DENIED.

9 Petitioner is informed that because he is represented by counsel, he may not properly
10 file anything in this case. Rather, all motions and pleadings must be filed by counsel.
11 Accordingly, any further documents filed in this case by Petitioner in pro se will be
12 disregarded by the court. IT IS SO ORDERED.

13 **Dated: March 2, 2007**
14 mmkd34

15 **/s/ William M. Wunderlich**
16 UNITED STATES MAGISTRATE JUDGE